

Appln No. 10/651,428

Amdt date November 28, 2005

Reply to Office action of August 26, 2005

REMARKS/ARGUMENTS

Claims 1-20 are currently pending in this application. Claim 12 has been amended. The amendment finds full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendment and remarks that follow, reconsideration, reexamination, and an early indication of allowance of claims 1-20 are respectfully requested.

Claims 1-11 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (U.S. Patent No. 6,671,353, in view of Haimi-Cohen (U.S. Patent No. 6,233,32). Applicant respectfully traverses this rejection.

The Examiner contends that Goh teaches a "'busy' recording mode and a 'non-busy' recording mode." (Emphasis added). (Office action, section 2, 2nd par.). Applicant respectfully disagrees that Goh teaches a non-busy recording mode. Goh teaches that if the phone is not deemed to be busy when the voice record key is input, the system transitions to an "other operation mode." The Examiner appears to contend that this "other operation mode" is the "non-busy" recording mode. However, there is nothing in Goh to support this. The Examiner has pointed to nothing in Goh that would teach or suggest that the "other operation mode" indeed causes a recording to occur. In fact, an object of Goh's invention is "to provide a method for recording a short voice memo during a call on a portable telephone." (Emphasis added) (Col. 1, lines 36-38). Goh is not concerned at all in making recordings when the phone is not engaged in a call, and makes no teaching to this effect.

Appln No. 10/651,428

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Even if *arguendo* Goh were to teach both a "busy" recording mode and a "non-busy" recording mode, Goh would still fail to teach the step of "displaying a plurality of recording modes." In Goh, when the phone is in the busy state when the voice record key is input, the phone displays a recording sign "REC" on a display. (Col. 2, lines 55-57). However, the Examiner does not indicate, and Goh does not teach, what, if any, the display would be when the phone is in the "non-busy" recording mode.

In addition to the above, claim 1 recites "a plurality of recording modes, each of the plurality of recording modes for recording a different set of data frames exchanged between the mobile set and a second device during a phone call." (Emphasis added). Goh teaches only one recording mode capable of recording a voice message while the phone is in the busy mode. Any recording that would occur in the non-busy mode is a recording that would not be made "during a phone call."

The Examiner further contends that Haimi-Cohen teaches the limitation that "each of the plurality of recording modes" is "for recording a different set of data frames exchanged between the mobile set and a second device during a phone call," and "recording a set of data frames identified by a selected recording mode." In doing so, the Examiner relies on Haimi-Cohen's voice activity detector which outputs a skip signal to the transmission and reception decoders in response to a detection of either voice in the transmission speech samples or silence in the reception speech samples. However, Haimi-Cohen teaches that the voice activity detector (FIG. 4, ref. 130) is

Appln No. 10/651,428

Amdt date November 28, 2005

Reply to Office action of August 26, 2005

included in a playback module (FIG. 4, ref. 106) which controls playback of already recorded speech packets in the non volatile memory (FIG. 4, ref. 110), and not in a record module (FIG. 4, ref. 104) which controls the recording of these speech packets. Haimi-Cohen explains that when the voice activity detector generates a skip signal, the reception speech samples and transmission speech samples of the current frame (n) are discarded, and the speech decoders read their corresponding next packets of the next frame (n+1) from the nonvolatile memory, decode them and output the resulting speech samples to replace the samples of the current frame (n) which have been discarded. (Col. 8, lines 52-59). Thus, Haimi-Cohen's voice activity detector does not affect the speech packets that are recorded, but simply affects which speech packets are played back by the playback module. Accordingly, claim 1 is in condition for allowance.

Claims 3 and 4 recites that the "uplink and downlink data frames are selectively recorded based on data content analysis of each uplink and downlink data frame." (Emphasis added). For the reasons discussed above, neither Goh nor Haimi-Cohen teach or suggest any type of selective recording. At most, Goh teaches selective playback, but not selective recording. Accordingly, claims 3 and 4 are also in condition for allowance.

Claims 2, 5-11, and 18-20 also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. With respect to claim 9, Applicant respectfully requests that the Examiner address Applicant's position that there is no indication that Haimi-

Appln No. 10/651,428

Amdt date November 28, 2005

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Cohen's speech coders and decoders encode and decode anything else than speech data.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goh and Haimi-Cohen, further in view of Yoshida (U.S. Patent No. 6,256,354). Applicant respectfully traverses this rejection.

Claim 12 is in condition for allowance because it depends on an allowable base claim, and for the additional limitations that it contains. Specifically, claim 12 has now been amended to recite that "a first of the plurality of recording modes records only data transmitted by the mobile set to the second device during the phone call, a second of the plurality of recording modes records only data received by the mobile set from the second device during the phone call, and a third of the plurality of recording modes records both the data transmitted by the mobile set to the second device and the data received by the mobile set from the second device during the phone call."

The Examiner relies on the teachings of Yoshida to reject claim 12. Yoshida discloses a personal handy phone system that functions as an answering machine and records incoming voice messages, and can also record both sides of a conversation in which it is participating with another telecommunication device. (Col. 4, lines 20-27). The outgoing messages used in the answering machine mode in Yoshida, however, are recorded offline. (Col. 10, lines 32-35). Thus, nothing in Yoshida teaches or suggests that "a first of the plurality of recording modes records only data transmitted by the mobile set to the second device during the phone call" as is recited in claim 12.

Appn No. 10/651,428

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(Emphasis added). Claim 12 is therefore in condition for allowance for this additional limitation.

Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh and Haimi-Cohen in view of McCutcheon et al. (U.S. Patent No. 6,161,007). Claims 13-17 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration, reexamination, and an early indication of allowance of claims 1-20.

Respectfully submitted,

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